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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)
H053912.0081US0

First named inventor: MARTHA A. WARPEHOSKI

Application No.: 09/530,965

Art Unit: 1624

Filed: May 18, 2000

Examiner: HONG LIU, RICHARD RAYMON

Title: ALPHA-HYDROXY, -AMINO AND -FLUORO DERIVATIVES OF BETA-SULPHONYL HYDROXAMIC ACIDS AS MATRIX METALLOPROTEINASES INHIBITORS

Attention: Office of Petitions

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX (703) 872-9306

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

- Small entity-fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.
- Other than small entity – fee \$ 1,370.00 (37 CFR 1.17(m))

2. Reply and/or fee

- A. The reply and/or fee to the above-noted Office action in the form of Request for Continued Examination (identify type of reply):

has been filed previously on 12/01/2004 MAHMED1 00000006 162435 09530965
 is enclosed herewith. 02 FC:1453 1370.00 DA

- B. The issue fee and publication fee (if applicable) of \$ _____.

has been paid previously on _____.
 is enclosed herewith.

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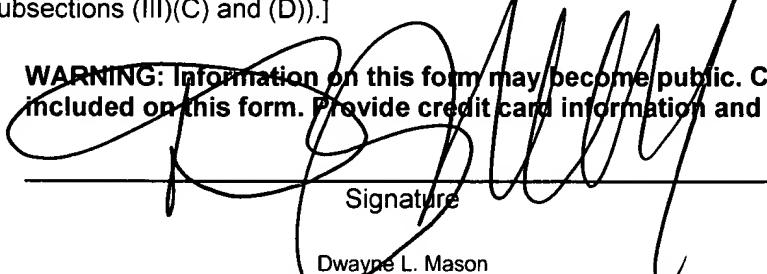
This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

3. Terminal disclaimer with disclaimer fee

- Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

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Signature

Dwayne L. Mason
Typed or printed name

November 29, 2004

Date

38,959

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Enclosures: Fee Payment

Reply

Terminal Disclaimer Form

Additional sheets containing statements establishing unintentional delay

Other: Fee Transmittal

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

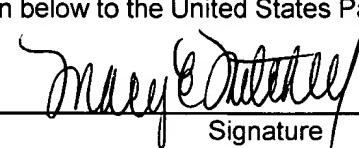
I hereby certify that this correspondence is being:

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Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (703) 872-9306.

November 29, 2004

Date



Signature

Mary E. Mitchell

Typed or printed name of person signing certificate



CERTIFICATE OF MAILING 37 C.F.R. 1.10

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Name of Person Signing Certificate: Mary E. Mitchell

Date 11/29/04

Signature Mary E. Mitchell

MAIL STOP AF

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

In re Applicant: § Confirmation No.: 3222

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MARK ALLEN MITCHELL
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LINDA LOUISE MAGGIORA

Filed: May 18, 2000 § Art Unit: 1624

Serial No.: 09/530,965 § Examiners: Hong Liu
§ Richard Raymon

For: ALPHA-HYDROXY,-AMINO
AND -FLUORO DERIVATIVES
OF BETA -SULPHONYL
HYDROXAMIC ACIDS AS
MATRIX
METALLOPROTEINASES
INHIBITIORS

§ Docket No.: H053912.0081US0

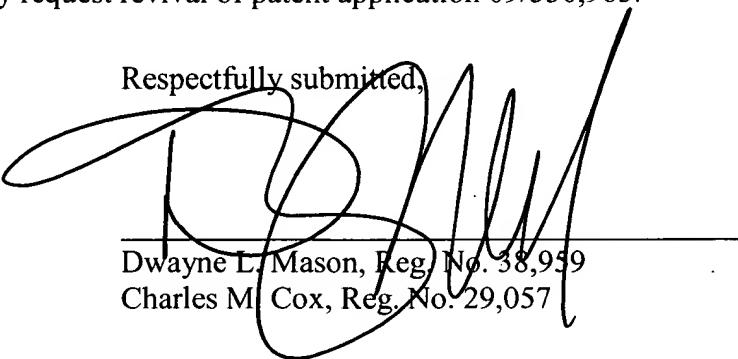
PETITION FOR REVIVAL OF UNINTENTIONALLY ABANDONED APPLICATION

The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR § 1.137(b) was unintentional.

A Final Office Action was filed on October 2, 2003. A Response to this office action in the form of a Request for Reconsideration was received by the Patent Office on December 2, 2003. Applicants re-submitted this response on April 20, 2004 by fax after being advised by the Patent Office that the response, while clearly received, had not been properly filed or acted upon. Examiner issued an Advisory Action on June 16, 2004.

The statutory period for a reply cannot expire later than 6 months from mailing the final rejection. MPEP 706.07(f). Applicants complied by the December 2, 2003 filing, but received no response until June 16, 2003. This reply was mailed after the statutory 6 month period expired. Included with this petition is a reply in the form of a request for continued examination in compliance with 37 C.F.R. § 1.1114. A reply in this form is acceptable according to M.P.E.P § 711.03(c) and 37 C.F.R. 1.137.

Because abandonment was unintentional and this petition and reply conform to all requirement, Applicants respectfully request revival of patent application 09/530,965.

Respectfully submitted,

Dwayne L. Mason, Reg. No. 38,959
Charles M. Cox, Reg. No. 29,057

Date: 11/29/04

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